

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY,)
Plaintiff and)
Counterclaim-Defendant,)
v.)
VAN SCOY DIAMOND MINE OF) Case No. 05-108 (KAJ)
DELAWARE, INC., a Delaware corporation,)
KURT VAN SCOY, and DONNA VAN SCOY,)
Defendants and)
Counterclaim-Plaintiffs.)

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
OF INFRINGEMENT AND WILLFUL INFRINGEMENT BY DEFENDANTS**

This matter comes before the Court on Plaintiff's Motion for Summary Judgment of Infringement and Willful Infringement by Defendants pursuant to Rule 56 of the Federal Rules of Civil Procedure. After consideration of all of the evidence and the briefs and memorandum of the parties, it is hereby

ORDER AND ADJUDGED that Plaintiff's Motion for Summary Judgment of Infringement and Willful Infringement by Defendants is **DENIED** with prejudice.

SO ORDERED, this _____ day of _____, 200_____.
[Signature]

United States District Judge

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on 5th day of December the following document was served upon the below-named counsel of record at the address and in the manner indicated.

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OF
INFRINGEMENT AND WILLFUL INFRINGEMENT BY DEFENDANTS**

on Michael C. Petock, Esquire, as an attachment to e-mails addressed to:

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/s/ *Sharon Oras Morgan (#4287)*
Sharon Oras Morgan